



STATE OF NEW HAMPSHIRE POSTSECONDARY EDUCATION COMMISSION

Financial Aid | College & University Approvals | Career School Licensing | Veterans State Approvals | Closed School Transcripts | Research/Studies

MINUTES OF MEETING ON DECEMBER 10, 2009

A regular meeting of the Postsecondary Education Commission was held at 3 Barrell Court, Concord, New Hampshire at 2:00 p.m. on Thursday, December 10, 2009. The following members were present:

Helen Giles-Gee, Chair
Father Jonathan DeFelice, Vice Chair
Stephen Appleby
Mary Clouter
John Curran
Jim Fitzgerald
Mary Ellen Fleeger
Edward MacKay
David Mahoney
Michele Perkins
Eli Rivera
Sara Jayne Steen
Roger Williams

The following persons also attended: Robyn Anastas and Lauren Willford, seniors at UNH-Manchester; James Craiglow, President Emeritus/Chancellor Emeritus, Antioch University New England; Thomas Horgan, President and CEO, NH College & University Council; Martha Parker, University of New Hampshire Intern; Kathryn Dodge, Executive Director, Patricia Edes, Assistant to the Executive Director and Patricia Moquin, Office Assistant; Anne Hoffler, Executive Assistant, Judith Knapp, Administrator, Cynthia Capodestria, Financial Aid/Research and Studies; Lynn West, Administrator and Kimberly Kenneally, Program Assistant, Career School Licensing; Larry Elbroch, Administrator and Clifton Burdette, Associate, Veterans State Approvals; Catherine Yeager, Transcriptionist

- 1) Chair Giles-Gee called the meeting to order, welcomed everyone, and asked those present to introduce themselves.

- 2) Executive Director Dodge presented an update on Lebanon College activity. Lebanon College's current institutional and programmatic approvals are contingent upon its continued good standing with the Accrediting Council for Independent Colleges and Schools (ACICS) and the Joint Review Committee on Education and Radiologic Technology (JRCERT). At its August 6, 2009 meeting, the ACICS upheld its decision to continue the current grant of accreditation through December 31, 2009, and to defer further action on the appeal of the denial until its December 2009 meeting. Notification was also received that the JRCERT placed the Bachelor of Science in Radiography program on probation and the program is scheduled for consideration at its October 2010 meeting. Lebanon College must comply or the JRCERT would take the following action: involuntary withdrawal of accreditation.

On November 2, 2009, Attorney Jim Kennedy, NH Department of Justice, filed the Lebanon College brief at the New Hampshire Supreme Court.

On November 19, 2009, Commissioner Gustafson and Executive Director Dodge visited Lebanon College to discuss Commission expectations. Assurances were made that the Commission would be proactively informed of upcoming activity and would be forwarded all materials to/from the ACICS and the JRCERT.

- 3) Executive Director Dodge presented highlights of the Executive Director Report. These included:
 - a. The Commission plans to meet Governor Lynch's request to reduce our personnel expenses by \$11,800, for each year of the biennium. Judith Knapp would retire effective December 31, 2009 and continue to work part-time and focus on research and studies. Cynthia Capodestria would assume responsibility for the financial aid function and Larry Elbroch would assume the budget/accounting function. Chair Giles-Gee and Executive Director Dodge acknowledged Ms. Knapp's upcoming retirement and thanked her for her 16 years of dedicated service to the Commission.
 - b. Since the start of the budget process, in July 2008, the Commission has absorbed an initial 3% reduction from FY 2009 for FY 2010 (Governor's initial reduction) and a \$25,000 per year cut (FY 2010 and FY 2011) as part of the legislative budget process. These reductions were made in information technology, Granite State Scholars, Medical Education Programs, Workforce Incentive Program, New England Board of Higher Education and the NH Incentive Grant Program. The state awaits the ruling by the state Supreme Court on the \$110 million that the Governor included from the medical malpractice fund. Sixty-five million was to be used to offset the deficit from fiscal year 2009 with the remainder, \$45 million, to balance the general fund biennial budget. Should the court rule against the state, the Commission would be required to cut an additional \$50,000 to \$100,000 for each year of the biennium. Monies would be taken from the NH Incentive Grant Program, out-of-state travel and equipment.

- c. We have had numerous challenges with NH FIRST, the new state accounting system, which has resulted in delayed payments. The new system also requires commissioners to complete a W-9 form for travel reimbursement.
 - d. Letters were forwarded to institutions regarding required institutional annual reports. Per Pos 1001.03 of our NH Code of Administrative Rules, “Annually on or before December 31, every institution offering programs or degrees within the State of New Hampshire shall file with the commission: (a) A report listing the names of the programs, degrees and certificates the institution offered as of September 1 of the year in which the report is filed and new curricular plans for the upcoming year; and (b) Annual reports submitted to institutional accrediting agencies.” This regulatory requirement enables the Commission to review, anticipate upcoming activity, and communicate with institutions on an annual basis. Feedback was welcomed to streamline the process.
 - e. Cornell University has approval to operate in New Hampshire and offer the Executive Boardroom Site portion of the Cornell-Queens Executive Master of Business Administration at a New Hampshire site to be determined, for a single cohort of students beginning June 2009. Approval is valid through June 30, 2011. Once the site was secured, Cornell University would inform the Commission of its location, provide verification of installation of technological equipment, submit a roster of entering students “housed” at the Executive Boardroom site location, and make arrangements for a site visit. Required information was received and a site visit took place on Saturday, November 7, 2009 at 11 Keewaydin Drive, Suite 203, Salem, NH, with Commissioner David Mahoney representing the Commission. Commissioner Mahoney was very impressed with the arrangements, physical and technological.
 - f. Lesley University has approval to operate in New Hampshire and offer degrees, with the understanding that when sites were identified, the executive director would be notified and invited to make a site visit prior to the program start date and inform the Commission via the Executive Director Report. Not knowing administrative approval was required, a new employee initiated the first M.Ed. in Technology in Education cohort at the Exeter High School, Exeter, NH and the first M.Ed. in Special Education cohort at Concord High School, Concord, NH. On September 3, 2009, the Commission granted conditional approval to Lesley University to offer these two degrees at two additional sites with the stipulation that Commissioner Mahoney, on behalf of the executive director, would visit the site within ten days. Commissioner Mahoney visited both sites on Thursday, September 10, 2009. The facilities met the basic requirements of the Commission. An emergency evacuation plan was not visible at either site, however, and a recommendation was made to post this plan. Administrative approval was granted to Lesley University to offer these degrees at these sites.
- 4) Executive Director Dodge clarified that no additional staff had been hired using general funds.

- 5) Executive Director Dodge presented highlights of her service as a non-federal negotiator at the U.S. Department of Education in Washington, DC. She served on the Executive and Federal Relations Committees of the State Higher Education Executive Officers (SHEEO) and was asked to represent that group based on a request of the U.S. Department of Education for such representation. One of the 14 issues was related to state authority over postsecondary institutions, a topic that has direct implications for regulatory work at the state level.
- 6) Executive Director Dodge reported that she traveled to Hellenic American University in Athens, Greece to review updates on organizational structure, positions and reporting lines, especially related to faculty governance and to attend the first graduation. Hellenic American University paid for all expenses. The question of regulatory reimbursement versus ceremonial reimbursement was an issue discussed before the visit. This issue was placed on the agenda for discussion upon the appointment of the Commission's new attorney at the NH Department of Justice.
- 7) Chair Giles-Gee reported that the request for the executive director's position changes that may result in an increase in salary, along with the pilot of the reorganization of the Commission was forwarded to Linda Hodgdon, Commissioner of the NH Department of Administrative Services for review by the HayGroup. Chair Giles-Gee stated that she would request a status report in January 2010.
- 8) Executive Director Dodge presented an overview of topics addressed when she responds to requests to speak to various groups about the role of the Commission and the Governor's P-16 Working Group.
- 9) Ms. West presented an update on unlicensed career schools, and an overview of statutes and administrative rules. Commissioner Appleby presented an update on the NH Council for Professional Education, the trade organization for career schools.
- 10) On the motion of Ms. Steen, seconded by Mr. MacKay, the members accepted the minutes of September 3, 2009. The motion passed without dissent.
- 11) Public hearings were held on the Commission's N.H. Code of Administrative Rules as follows:
 - a. Pos 1500, Program for Tuition Repayment for CART Providers and Sign Language Interpreters. Written comments were received and two students from the University of New Hampshire at Manchester were present and requested clarification on loan repayment.
 - b. Pos 1600, Program for Tuition Repayment for Large Animal Veterinarians
 - c. Pos 1700, Scholarship for Orphans of Police and Firefighters

- 12) Ms. West presented the revised 2009-2010 *Licensing Fees and Student Tuition Guaranty Fund Fees Set by the Commission on an Annual Basis*. Vice Chair DeFelice moved, seconded by Ms. Fleegeer, to accept the corrected fees as presented.
- 13) Ms. West acknowledged Commissioners Mahoney and Appleby and Peter Koch, Executive Director of the NH Council for Professional Education, for providing advice on upcoming career school issues.
- 14) Ms. West presented information on a non-compliant career school. Tech Market Training, Inc. failed to supply the necessary documents to ensure that it is “adequate for the effective achievement of the purposes and objectives of the school and for meeting all obligations.” Vice Chair DeFelice moved, seconded by Mr. Rivera, to send Tech Market Training, Inc. a formal letter requiring the school to supply a copy of its 2008 federal tax return and a copy of its 2008 Business Enterprise Tax by December 30, 2009, and an audit of the company’s finances for the calendar year 2008 by January 29, 2010.

Discussion followed. Mr. Curran moved, seconded by Mr. Rivera, to amend the motion. A formal letter would be sent to Tech Market Training, Inc. confirming that it is considered unlicensed by the Commission until the above three items were forwarded. The communication would also specify that failure to supply the above would necessitate the Commission’s consultation with the NH Department of Justice. The motion passed, with Mr. Appleby abstaining.

- 15) Mr. Appleby presented information on LSR 2010-H-2330-R, “relative to exceptions from the definition of private postsecondary career schools.” This bill would exempt church or religious courses or programs from the definition of private postsecondary career schools. After discussions with the prime sponsor, Representative John Hunt, he agreed to amend the bill by adding the following [or similar] language: “The Postsecondary Education Commission will generate rules to create a process for entities requesting an exemption to the definition of a private postsecondary career school.” This would, hopefully, “stem the tide” of bills being created and add to the list of exemptions in statutes and put the process into the Commission’s rules for career school licensing. It was recommended the Commission vote to support the legislation with the proposed amendment. Mr. Appleby moved, seconded by Mr. Mahoney, to accept the recommendation. The motion passed with Mr. Rivera voting nay.
- 16) Mr. Appleby presented information on LSR 2010-S-2740-R, “relative to exempting the division of fire standards and training and emergency medical services from the definition of private postsecondary career schools.” Current statutes already include an exemption, “Private postsecondary career school” shall not include (e) Schools established, operated, and governed by the state of New Hampshire or any of its political subdivisions, or any other state or its political subdivisions.” It was recommended the Commission vote to not support this legislation as it is redundant to the existing exemption. Mr. Mahoney expressed concern that if an emergency medical services school was not licensed by the Commission, veterans that attend these schools would not be eligible for benefits. Discussions have been held between the Commission, the NH

Department of Justice and the NH Department of Safety's Division of Emergency Medical Services with no resolution to date. Ms. Fleegeer moved, seconded by Mr. Appleby, to accept the recommendation. The motion passed without dissent.

- 17) Ms. Knapp presented the fixed language for the final proposal, including any changes to accommodate written and/or oral comments, of the following N.H. Code of Administrative Rules:

- a. Pos 1500, Program for Tuition Repayment for CART Providers and Sign Language Interpreters
- b. Pos 1600, Program for Tuition Repayment for Large Animal Veterinarians
- c. Pos 1700, Scholarship for Orphans of Police and Firefighters

Vice Chair DeFelice moved, seconded by Mr. Appleby, to adopt the fixed language for the final proposal of the above N.H. Code of Administrative Rules. The motion passed without dissent.

- 18) Ms. Capodestria presented the Workforce Incentive Program – Shortage Areas for 2010-2011. Vice Chair DeFelice moved, seconded by Ms. Fleegeer, to designate shortage areas for the 2010-2011 academic year as follows:

Nursing:	LPN through graduate level	
Teaching:	Special Education	Foreign Languages (Classical & Modern)
	Mathematics	Physics
	Chemistry	Physical Science
	General Science	

The motion passed without dissent.

- 19) Executive Director Dodge presented a recommendation to postpone the required March 2010 visit to Daniel Webster College pending action taken at the spring 2010 New England Association of Schools and Colleges meeting. Materials to/from the New England Association of Schools and Colleges would be forwarded to the Commission. Mr. Curran moved, seconded by Mr. Rivera, to accept the recommendation. The motion passed without dissent.
- 20) Executive Director Dodge presented an update on The Thomas More College of Liberal Arts. William Fahey assumed the presidency in May of 2009. Enrollment has declined and its founders, no longer affiliated with The Thomas More College of Liberal Arts, started the Erasmus Institute, a career school that is currently licensed by the Commission as such. Students are required to sign a form certifying their knowledge of the status of the institution as non-degree granting and not accredited.

It was recommended that the Commission approve The Thomas More College of Liberal Arts to offer the Bachelor of Arts without a terminal date and to align approval with the New England Association of Schools and Colleges (NEASC) and the American Academy for Liberal Education (AALE). The Thomas More College of Liberal Arts would be required to officially invite a representative of the Commission to participate and observe at all NEASC and AALE accreditation visits and to forward copies of correspondence to/from the NEASC and the AALE, including financial audit information, as well as standard annual reports. Nothing herein would preclude the Commission from conducting separate formal evaluations and it would not be bound by any decision of any accrediting entity. Mr. Rivera moved, seconded by Mr. Appleby, to accept the recommendation. The motion passed without dissent.

- 21) Executive Director Dodge presented a recommendation to postpone the spring visit to Rivier College pending action taken at the spring 2010 New England Association of Schools and Colleges visit. Ms. Steen moved, seconded by Mr. Curran, to accept the recommendation. The motion passed without dissent.
- 22) Executive Director Dodge presented a recommendation to require WyoTech to include names and addresses of recruiter(s) residing in New Hampshire and to provide accreditation updates from the Accrediting Commission of Career Schools and Colleges, in addition to previously required provisions. Mr. MacKay moved, seconded by Vice Chair DeFelice, to accept the recommendation. The motion passed without dissent.
- 23) Career Schools Task Force, College & University Task Force and Financial Aid Task Force reports were presented as follows:
 - (a) Ms. West reported for the Career Schools Task Force. Goals were as follows:
 - (1) Have “student protection” as the guiding principle to be used by staff.
 - (2) Establish a permanent Career School Licensing Committee to update Career School Licensing statutes and Pos 1100, NH Code of Administrative Rules, and provide guidance to the Career School Licensing function staff on an ongoing and timely basis. This committee would report out at each Commission meeting if there were issues for consideration by the entire Commission.
 - (b) Mr. MacKay reported for the Financial Aid Task Force. Financial aid programs administered by the Commission were examined and compared with goals established by the Governor’s P-16 Working Group:
 - (1or 2) Incent and positively impact student aspiration, participation and completion of postsecondary education.
 - (2 or1) Adequately support NH students with high financial need.

- (3) Favor grant programs over loan programs.
- (4) Ensure that the total numbers of NH students are actually and adequately served at a NH Postsecondary education institution.
- (5) Be aware of, and responsive to, opportunities to leverage general fund financial aid dollars.
- (6) Ensure that programs can be assessed for their value to a student's enrollment and completion.

Financial Aid Task Force goals:

- (1) Identify overarching principles
- (2) Conduct scan of existing research
- (3) Examine and align existing program to support overarching principles/values.
- (4) Explore future opportunities

Recommendations would be presented at the May 13, 2010 meeting.

- (c) Vice Chair DeFelice reported for the College & University Task Force. Goals were as follows:
 - (1) Recommend updates for Pos 1000 Rules to address emerging issues related to incorporation, closures, acquisitions, mergers, international activity, contractual issues, and more closely align rules with standards used by regional accrediting agencies.
 - (2) Construct a "Rules Preamble" that provides rationale, work scope and philosophical core of the Commission's regulatory function so that all clearly understand approval, processes/protocols, flexibilities, help, quality assurance, consumer protection, etc.

Initial Commission approval of rules would be on the March 11, 2010 agenda.

Mr. Mahoney moved, seconded by Ms. Fleeger to accept goals and timelines of above task forces, to dissolve these task forces, and to grant staff the authority to proceed according to goals identified. The motion passed without dissent.

The meeting adjourned at 3:45 p.m.